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10 [ADDITIONAL COUNSEL
ON SIGNATURE PAGE]
11

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 MEGHAN MOLLETT AND TRACY)
HELLWIG, individually, on behalf of themselves)
17 and all others similarly situated,)
18 Plaintiffs,)
19 vs.)
20 NETFLIX, INC., a Delaware corporation,)
21 Defendant,)
22)
23)
24)
25)
26)
27)
28)

CASE NO.: 11-cv-01629-EJD (PSG)
**STIPULATION AND ~~PROPOSED~~
ORDER REQUIRING
NOTIFICATION IN THE EVENT
OF JUDGMENT OR SETTLEMENT
OF *IN RE NETFLIX PRIVACY*
LITIGATION**

1 WHEREAS, plaintiffs believe that certain documents relating to this case and the
 2 separate case captioned *In re Netflix Privacy Litigation*, Case No. 11-cv-00379-EJD (the “*In re*
 3 *Netflix Privacy Litigation*” action) could be destroyed by defendant Netflix, Inc. (“Netflix”) in
 4 connection with a settlement or judgment in the *In re Netflix Privacy Litigation* action;

5 WHEREAS, during a conference with Magistrate Judge Paul S. Grewal on November 3,
 6 2011, the Court declined to enter at that time the proposed evidence preservation order that
 7 plaintiffs had submitted to the Court in connection with the Case Management Conference held
 8 on October 28, 2011; and

9 WHEREAS, Netflix offered during the November 3, 2011, conference to notify plaintiffs
 10 in the event that a settlement or judgment in the *In re Netflix Privacy Litigation* action could
 11 result in the destruction of documents relevant or potentially relevant to this case so that, at that
 12 time, the parties could discuss ways to ensure that documents relevant or potentially relevant to
 13 this case are not destroyed or, alternatively, the plaintiffs could seek judicial intervention
 14 regarding document preservation;

15 NOW THEREFORE, the parties, by and through their undersigned counsel, hereby
 16 stipulate and agree that, in the event that a settlement or judgment in the *In re Netflix Privacy*
 17 *Litigation* action could result in the destruction of documents relevant or potentially relevant to
 18 this case, Netflix’s counsel will notify plaintiffs’ counsel within 48 hours of the filing of a
 19 motion for preliminary approval of a settlement or a judgment that includes any document
 20 destruction provisions, and at least 60 days before any documents are destroyed pursuant to such
 21 a judgment or settlement.

22
 23 Dated: November 16, 2011

WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation

25 By: /s/ Rodney G. Strickland, Jr.
 Rodney G. Strickland, Jr.

26
 27 Attorneys for Defendant
 NETFLIX, INC.

1 Dated: November 16, 2011

WOLF HALDENSTEIN ADLER FREEMAN
& HERZ LLP

3 By: /s/ Rachele R. Rickert
Rachele R. Rickert

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rickert@whafh.com

Attorneys for Plaintiffs

10 ~~PROPOSED~~ ORDER

11 In the event that a settlement or judgment in the *In re Netflix Privacy Litigation* action
12 could result in the destruction of documents relevant or potentially relevant to this case, Netflix's
13 counsel will notify plaintiffs' counsel within 48 hours of the filing of a motion for preliminary
14 approval of a settlement or a judgment that includes any document destruction provisions, and at
15 least 60 days before any documents are destroyed pursuant to such a judgment or settlement.

16 IT IS SO ORDERED.

18 DATED: __11/21/2011

Paul S. Grewal
HON. PAUL S. GREWAL
MAGISTRATE JUDGE

ECF CERTIFICATION

I, Rodney G. Strickland, Jr., am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Requiring Notification in the Event of Judgment or Settlement of *In Re Netflix Privacy Litigation*. I hereby attest that Rachele R. Rickert has concurred in this filing.

Dated: November 16, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Rodney G. Strickland, Jr.
Rodney G. Strickland, Jr.

Attorneys for Defendant
NETFLIX, INC.